



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL T. DAVITT,
Petitioner,

vs.

E.K. McDANIEL, *et al.*,
Respondents.

3:09-cv-0132-BES-RAM

ORDER

Petitioner has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

This is a successive petition which requires petitioner to seek and obtain leave of the Ninth Circuit Court of Appeal to pursue. See 28 U.S.C. § 2244(b)(3) *et seq.* The petitioner has not obtained leave to file a successive petition from the Court of Appeals. Therefore, the petition will be dismissed.

IT IS THEREFORE ORDERED that this action is **DISMISSED WITH PREJUDICE** as a successive petition.

IT IS FURTHER ORDERED that the Clerk **SHALL ENTER JUDGMENT** accordingly.

Dated this 31st day of March, 2009.

UNITED STATES DISTRICT JUDGE